

REMARKS

The Applicant appreciates the thorough review of the application by the Examiner.
Reconsideration and allowance are requested.

No new matter has been added by the amendments. No new issues are raised by the amendments.

Claims 1 - 4 are patentable under 35 U.S.C. 102(b) over Leopoldi (U.S. Patent 4,071,165).

For an invention to be anticipated, it must be demonstrated that each and every element of the claimed invention is present in the "four corners" of a single prior art, either expressly described therein or under the principle of inherency. Lewmar Marine Inc. v Barient Inc., 3 USPQ2d 1766, 1767-1768 (Fed. Cir. 1987). The absence from prior art reference any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible, Inc., 230 USPQ 81, 84 (Fed. Cir. 1986).

To be anticipating, a prior art reference must disclose "each and every limitation of the claimed invention[,]... must be enabling[,] and must describe...[the] claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Claims 1-4 are patentable under 35 U.S.C. 102(b) over Leopoldi because Leopoldi does not teach all of the elements of the claims. Claim 1 teaches a cover connected to a container. Leopoldi does not teach or suggest a cover or a container. Leopoldi teaches a paper dispenser in the shape of an open tray and a retainer that extends out partially over a stack of paper (Figures

1-2). Because Leopoldi does not teach or suggest all of the elements of claim 1, claim 1 is patentable under 35 U.S.C. 102(b) over all references.

Claim 2 is dependent on and shares the patentable features of independent and patentable claim 1 and adds additional patentable features. Claim 2 adds that the cover is a lever pivoted on a hinge connected to the container. Leopoldi does not teach or suggest this element. Leopoldi does not teach a container or a cover. Because Leopoldi does not teach or suggest all of the elements of claim 2, claim 2 is patentable under 35 U.S.C. 102(b) over all references.

Claim 3 is dependent on and shares the patentable features of claim 2 and adds additional patentable features. Claim 3 adds that the extension extends in a direction from the hinge opposite a direction of the lever. Leopoldi teaches an extension that extends in a direction different to but not opposite the lever.

Examiner cites element 29 as an extension. This element is not remotely similar in form to the extension of the present invention, which is a straight element and not the friction head of a straight element like element 29. Examiner identifies element 22 in Leopoldi as the lever, but in the present invention the lever is a cover attached to the top of the container, which 22 is not. Examiner also describes element 24 as the hinge. Leopoldi describes element 24 as a cross member and it does not appear to be a hinge. More importantly, the hinge claimed in claim 3 is the hinge of the cover, and element 24 is not a hinge for a cover. In any case, element 29 of Leopoldi does not extend in a direction from element 24 opposite the direction of element 22. They appear to extend in the same direction.

The meaning of the limitation in the present invention is that the extension 5 is connected to the lever 3 but extends in the opposite direction of the lever as shown in Figures 1, 2A-2D, 3C

and 3D. That structure does not exist in Leopoldi. Leopoldi uses a different structure and achieves a different effect. In the present invention, a strip is dispensed when the cover is raised. In Leopoldi, a piece of paper is pushed out when a retainer is depressed. Because Leopoldi does not teach or suggest all of the elements of claim 3, claim 3 is patentable under 35 U.S.C. 102(b) over all references.

Claim 4 is dependent on and shares the patentable features of independent and patentable claim 3 and adds additional patentable features. Claim 4 adds that the friction surface is on a side of the extension opposite from the top of the lever and not on another side of the extension. Leopoldi teaches that the friction surface is on all sides of element 22 (Figure 4). Element 22 appears to have three sides and one rounded end, with friction coating 29 on all three sides. The point of having a friction surface on only one side of the extension is that then the extension will be able to slide back over the strips without bending or otherwise affecting them. Leopoldi lacks this function and this element. Because Leopoldi does not teach or suggest all of the elements of claim 4, claim 4 is patentable under 35 U.S.C. 102(b) over all references.

Therefore, claims 1-4 are patentable over all references.

Claims 5 - 10, 15 - 17, and 20 are patentable under 35 U.S.C. 103(a) over Leopoldi (U.S. Patent 4,071,165) in view of V.H. Pollock (U.S. Patent 933,663).

Claims 5-10, 15-17, and 20 are patentable under 35 U.S.C. 103(a) over Leopoldi in view of Pollock because neither reference, alone or in combination, teaches or suggests all of the elements of the claims.

Claim 5 is dependent on and shares the patentable features of claim 4 and adds additional patentable features. Claim 5 adds a dispensing opening at one end of the container and a closure connected to the lever for moving with the lever and closing the opening when the lever is aligned with the container, and for uncovering the opening when an end of the lever is moved away from the container.

Leopoldi and Pollack both lack a closure for closing an opening. Examiner cites element 19 of Pollack as being a closure. However, Pollack makes very clear that element 19 is not a closure, but a "rib" that does not close the opening of the device. Element 19 "prevent[s] more than one ticket at a time passing from the box." However, the opening still exists and tickets still pass through the opening even when the top is closed. Pollack is designed to dispense tickets when the top is closed, it will not function (dispense tickets) with the top up. (Pollack, Col. 2, lines 97-109)

Furthermore, it would not have been obvious to combine the two references because they serve entirely different functions and have completely different structures. In addition, it would not be obvious to add a closure to Leopoldi that was connected to a lever for moving with the lever and closing the opening when the lever is aligned with the container, and for uncovering the opening when an end of the lever is moved away from the container. Any such modification of Leopoldi would destroy the invention. In Leopoldi, a lever is pressed down to push out a piece of paper. Its entire structure is adapted to that purpose. If a closure closed the opening when the lever was pressed down, the opening would be closed when the sheet was pressed out and the user would be unable to retrieve the paper. If the lever was raised, element 22 of

Leopoldi would push the paper back into the bin. Thus, the entire purpose of the invention would be defeated.

Because no references, alone or in combination, teach or suggest all of the elements of claim 5, claim 5 is patentable under 35 U.S.C. 103(a) over Leopoldi in view of Pollack.

Claim 6 is dependent on and shares the patentable features of claim 5 and adds additional patentable features. Claim 6 adds that the lever is a lid on an upper surface of the container for opening at least a part of the upper surface of the container. Neither reference teaches or suggests this element. Furthermore, combining this element with Leopoldi would destroy the invention. The lever cannot be a lid because if pressed down, it would close the device and prevent paper from being removed. If not pressed down, the lid would be nonfunctional and allow debris to enter the device. Therefore claim 6 is patentable under 35 U.S.C. 103(a) over Leopoldi in view of Pollack.

Claim 8 is dependent on and shares the patentable features of claim 5 and adds additional patentable features. Claim 8 adds that the at least one strip comprises a stack of aligned strips, and a top strip in the stack slides along a next adjacent strip outward through the opening when the lever is moved. Neither reference teaches or suggests this element. In Pollack, the ticket slides out of the device when the roller is turned, not when a lever is moved. Because no references, alone or in combination, teach or suggest all of the elements of claim 8, claim 8 is patentable under 35 U.S.C. 103(a) over Leopoldi in view of Pollack.

Claim 7 is dependent on and shares the patentable features of claim 5 and adds additional patentable features. Claim 7 adds that the extension is flexible and has a relatively slippery surface on a side opposite the friction surface for sliding over a next adjacent strip. Neither

reference teaches or suggests this element. Leopoldi does not have a slippery surface, nor does Pollack. Examiner has not taken official notice of obviousness. It is not clear why examiner believes that such a modification would be obvious.

Furthermore, there would be no motivation for such a modification because Leopoldi has a different design than the present invention. Element 22 of Leopoldi does not have to slide much over the paper and is subject to very little force when doing so and so does not need to be modified in this way.

In addition, neither reference has a flexible extension. In Leopoldi, element 22 is rigid, although it pivots. Because no references, alone or in combination, teach or suggest all of the elements of claim 7, claim 7 is patentable under 35 U.S.C. 103(a) over Leopoldi in view of Pollack.

Claim 9 is dependent on and shares the patentable features of claim 8 and adds additional patentable features. Claim 9 adds that the dispensing opening extends substantially over an entire end of the container. The opening of Pollack does not extend substantially over an entire end of the Pollack device. Neither reference teaches or suggests this element. Because no references, alone or in combination, teach or suggest all of the elements of claim 9, claim 9 is patentable under 35 U.S.C. 103(a) over Leopoldi in view of Pollack.

Claim 10 is dependent on and shares the patentable features of claim 9 and adds additional patentable features. Claim 10 adds that the lever comprises a lid hinged at one end to a central portion of a top of the container and extending outward to the opening in the end of the container for exposing at least a portion of the stack of strips in the container. Neither reference teaches or suggests this element.

In Leopoldi, neither element 17 nor element 22, as examiner suggests, is a lid. Leopoldi does not have a container or a top of a container. Element 17 in Leopoldi is hinged at the back of the tray, not at its center. Neither element 17 nor element 22 extends outward to the opening in the end of the device. Furthermore, neither element extends outward to the opening to expose a portion of the stack of strips. In Leopoldi, the sheets are always exposed and movement of these elements does not expose the sheets. Pollack has none of these claim elements. Because no references, alone or in combination, teach or suggest all of the elements of claim 10, claim 10 is patentable under 35 U.S.C. 103(a) over Leopoldi in view of Pollack.

Claim 15 is an independent method claim. Neither reference teaches or suggests the elements of claim 15. Neither reference teaches or suggests moving a lever connected to a container, opening a dispensing opening, moving an extension and its tip in the direction of the dispensing opening, and moving the at least one strip toward the dispensing opening and exposing the at least one strip through the opening, grasping and removing the exposed strip, moving the lever and the extension in an opposite direction and sliding the side of the tip opposite the friction surface over the at least one strip and closing the dispensing opening.

Specifically, neither reference teaches or suggests moving a lever connected to a container by opening a dispensing opening in the container and thereby moving an extension and tip. Neither teaches or suggests sliding the side of the tip opposite the friction surface over at least one strip and thereby closing the dispensing opening. These method steps are not inherent in the operation of the references. The references lack critical structural elements necessary for the method recited in claim 15. Because no references, alone or in combination, teach or suggest

all of the elements of claim 15, claim 15 is patentable under 35 U.S.C. 103(a) over Leopoldi in view of Pollack.

Claim 16 is dependent on and shares the patentable features of claim 15 and adds additional patentable features. Claim 16 adds that initiating of the moving of the lever moves the tip of the extension inward in the container and toward the at least one strip, and that completing the moving of the lever and extension in the opposite direction moves the tip of the extension away from a next adjacent at least one strip. Neither reference teaches or suggests these elements. Because no references, alone or in combination, teach or suggest all of the elements of claim 16, claim 16 is patentable under 35 U.S.C. 103(a) over Leopoldi in view of Pollack.

Claim 17 is dependent on and shares the patentable features of claim 16 and adds additional patentable features. Claim 17 adds opening and closing the dispensing opening by moving the lever. Neither reference teaches or suggests these elements. Because no references, alone or in combination, teach or suggest all of the elements of claim 16, claim 16 is patentable under 35 U.S.C. 103(a) over Leopoldi in view of Pollack.

Claim 20 is an independent method claim. Neither reference teaches or suggests the elements of claim 20. Neither reference teaches or suggests providing a container holding several strips, moving a cover on the container, moving an extension connected to the cover and extending into the container, providing a tip of the extension with a friction surface for engaging an upper strip within the container, whereby moving the cover moves the extension tip in the container and slides the upper strip outward through an end opening in the container. Leopoldi does not have a cover and therefore lacks a critical structural element necessary to the method. Pollack operates with a roller in a completely different fashion. These method steps are not

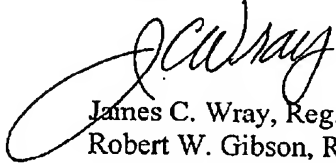
inherent in the operation of the references. Because no references, alone or in combination, teach or suggest all of the elements of claim 15, claim 15 is patentable under 35 U.S.C. 103(a) over Leopoldi in view of Pollack.

Claims 5 - 10, 15 - 17, and 20 are patentable under 35 U.S.C. 103(a) over Leopoldi in view of Pollack.

CONCLUSION

Reconsideration and allowance are respectfully requested.

Respectfully,

A handwritten signature in black ink, appearing to read 'J C Wray', is written over the typed name and address.

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